

House Bill 1437 (AS PASSED HOUSE AND SENATE)

By: Representatives Hembree of the 67th, Bearden of the 68th, Bruce of the 64th, and Brooks of the 63rd

A BILL TO BE ENTITLED
AN ACT

1 To create a board of elections and registration for Douglas County and to provide for its
2 powers and duties; to provide for definitions; to provide for the composition of the board and
3 the selection and appointment of members; to provide for the qualification, terms, and
4 removal of members; to provide for oaths and privileges; to provide for meetings,
5 procedures, and vacancies; to relieve certain officers of powers and duties and to provide for
6 the transfer of functions to the newly created board; to provide for certain expenditures of
7 public funds; to provide for compensation of members of the board and personnel; to provide
8 for offices and equipment; to provide for the board's performance of certain functions and
9 duties for certain municipalities; to provide for related matters; to repeal an Act creating a
10 board of elections for Douglas County, approved April 9, 1984 (Ga. L. 1984, p. 5270); to
11 provide for submission under Section 5 of the federal Voting Rights Act of 1965, as
12 amended; to provide effective dates; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A., there is created the
16 board of Elections and Registration of Douglas County, hereinafter referred to as "the board."
17 The board shall have the powers, duties, and responsibilities of the superintendent of
18 elections of Douglas County under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia
19 Election Code," currently being exercised by the board of elections of Douglas County, and
20 the powers, duties, and responsibilities of the board of registrars of Douglas County under
21 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

22 **SECTION 2.**

23 The terms "election," "elector," "political party," "primary," and "public office" shall have
24 the same meanings as set forth in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia
25 Election Code," unless otherwise clearly apparent from the text of this Act; and the term

1 "commissioners" means the board of commissioners of Douglas County, and "county" means
2 Douglas County.

3 **SECTION 3.**

4 (a) The board shall be composed of five members, each of whom shall be an elector and
5 resident of the county and who shall be appointed as provided in this section.

6 (b) One member of the board shall be appointed by the chairperson of the county executive
7 committee of the political party which received the highest number of votes within the state
8 for members of the General Assembly at the last general election immediately preceding the
9 appointment of such member. One member of the board shall be appointed by the
10 chairperson of the executive committee of the political party whose candidates received the
11 next highest number of votes within the state for members of the General Assembly in the
12 general election immediately preceding the appointment of such member. In the event that
13 a political party entitled to appoint a member of the board does not have a county executive
14 committee, such appointment shall be made by the state executive committee of such
15 political party. One member shall be appointed by the chairperson of the county governing
16 authority. One member shall be appointed by the county governing authority. One member
17 shall be appointed by the chief judge of the superior courts of the Douglas Judicial Circuit.
18 (c) The initial member appointed by the chairperson of the governing authority, the initial
19 member appointed by the county governing authority, and the initial member appointed by
20 the chief judge shall serve for terms of four years and until their successors are appointed and
21 qualified. The initial members appointed by the chairpersons of the executive committees
22 of the political parties shall serve for terms of two years and until their successors are
23 appointed and qualified. Thereafter, all members of the board of elections and registration
24 shall be appointed for terms of four years and until their successors are appointed and
25 qualified.

26 (d) The appointment of each member shall be made by the respective appointing authority
27 filing an affidavit with the clerk of the superior court no later than 30 days preceding the date
28 at which such member is to take office stating the name and residential address of the person
29 appointed and certifying that such member has been duly appointed as provided in this Act.
30 The clerk of the superior court shall record each of such certifications on the minutes of the
31 court and shall certify the name of each member to the Secretary of State and shall provide
32 for the issuance of appropriate commissions to the members and chairperson within the same
33 time and in the same manner as provided by law for registrars.

34 (e) Each member of the board shall be eligible to succeed himself or herself for one term
35 following the completion of one four-year term, not including any time served under an
36 interim appointment pursuant to subsection (f) of this section. Each member of the board

1 shall have the right to resign at any time by giving written notice of his or her resignation to
2 the respective appointing authority and to the clerk of the superior court. Each member of
3 the board shall be subject to removal from the board at any time for cause, after notice and
4 a hearing, and in the same manner and by the same authority as provided for removal of
5 registrars.

6 (f) In the event that a vacancy occurs in the office of any member before the expiration of
7 his or her term by removal, death, resignation, or otherwise, the respective appointing
8 authority shall appoint a successor to serve the remainder of the unexpired term. The clerk
9 of the superior court shall be notified of interim appointments and record and certify such
10 appointment in the same manner as the regular appointment of members.

11 (g) The first members of the board under this Act shall take office on July 1, 2008. Before
12 entering upon his or her duties, each member shall take substantially the same oath as
13 required by law for registrars and shall have the same privileges from arrest.

14 **SECTION 4.**

15 (a) No person who holds elective public office shall be eligible to serve as a member of the
16 board during the term of such elective office, and the position of any member of the board
17 shall be deemed vacant upon such member's qualifying as a candidate for elective public
18 office.

19 (b) Members of the board must be residents of Douglas County and must be registered
20 voters in Douglas County.

21 **SECTION 5.**

22 (a) The county governing authority shall employ a full time election supervisor to administer
23 and supervise the conduct of elections and primaries and the registration of electors of the
24 county and such other employees as the governing authority of Douglas County shall
25 approve. The election supervisor shall generally supervise, direct, and control the
26 administration of the affairs of the board of elections and registration pursuant to law and
27 duly adopted resolutions of the board.

28 (b) The county governing authority shall appoint the election supervisor who shall serve for
29 a period of four years and until his or her successor is appointed and qualified. The election
30 supervisor shall be subject to removal at any time for cause, after notice and a hearing, and
31 in the same manner and by the same authority as provided for the removal of registrars.

32 (c) The current election superintendent shall act as election supervisor until an election
33 supervisor is retained or appointed as provided in this section.

SECTION 6.

Compensation for the members of the board, election supervisor, clerical assistants, and other employees shall be fixed by the governing authority of Douglas County. Such compensation shall be paid wholly from county funds.

SECTION 7.

The governing authority of Douglas County shall provide the board with such proper and suitable offices, equipment, materials, and supplies and with such clerical assistance and other employees as the governing authority of Douglas County deems appropriate.

SECTION 8.

(a) The board shall be authorized to organize itself, to elect its officers, determine its procedural rules and regulations, adopt bylaws, specify the functions and duties of its employees, and otherwise take such action as is appropriate to the management of the affairs committed to its supervision; provided, however, that no such action shall conflict with state law. Action and decision by the board shall be by a majority of the members of the board. The first chairperson of the board of elections and registration shall be the first member appointed by the chairperson of the governing authority; thereafter, the board shall elect one of its members to serve as chairperson at the pleasure of the board.

(b) The board shall fix and establish, by appropriate resolution entered on its minutes, directives governing the execution of matters within its jurisdiction. The board shall hold regular meetings. Any specially called meeting shall be called by the chairperson or any three members of the board. The board shall maintain a written record of policy decisions amended to include additions or deletions. Such written records shall be made available for the public to review.

SECTION 9.

The board of commissioners of Douglas County shall through its legal counsel cause this Act to be submitted for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended, and such submission shall be made to the United States Department of Justice or filed with the appropriate court no later than 45 days after the date on which this Act is approved by the Governor or otherwise becomes law without such approval.

SECTION 10.

This Act shall become effective on its approval by the Governor or upon its becoming law without such approval for purposes of making initial appointments to the board only. This Act shall become fully effective on July 1, 2008. Upon this Act becoming fully effective,

1 the board of elections of Douglas County and the board of registrars of Douglas County shall
2 be relieved of all powers and duties to which the board succeeds by the provisions of this Act
3 and shall deliver to the board all equipment, supplies, materials, books, papers, records, and
4 facilities pertaining to such powers and duties. Effective July 1, 2008, the board of registrars
5 of Douglas County shall be abolished. Effective July 1, 2008, the board of elections of
6 Douglas County shall be abolished and an Act creating a board of elections for Douglas
7 County, approved April 9, 1984 (Ga. L. 1984, p. 5270), is repealed.

8 **SECTION 11.**

9 All laws and parts of laws in conflict with this Act are repealed.